

**National EPA-Tribal Science Council (TSC)  
Conference Call Roll Call and Key Discussion Points  
Monday, March 18, 2019  
2:00 – 3:30 p.m. EDT**

**Roll Call**

***Tribal Caucus***

- ☐ Region 1: William (Billy) Longfellow  
(Passamaquoddy at Sipayik)
- ☐ Region 1 *Alternate*: Trevor White  
(Passamaquoddy Tribe of Indian Township)
- ☐ Region 2: Neil Patterson (Tuscarora Nation)
- ☐ Region 4: Katie Tiger (Eastern Band of  
Cherokee Indians)
- ☒ Region 5: Jeffrey Mears (Oneida Nation), Chair
- ☐ Region 6: Rick DuBois (Seneca-Cayuga  
Nation), Vice Chair
- ☐ Region 6 *Alternate*: TBD
- ☐ Region 7: Page Hingst (Santee Sioux Nation of  
Nebraska)
- ☒ Region 7 *Alternate*: Misha Mazurkewycz (Ponca  
Tribe of Nebraska)
- ☐ Region 8: Joshua Tweeton (Spirit Lake Tribe)
- ☐ Region 8 *Alternate*: Allyson Two Bears  
(Standing Rock Sioux Tribe)
- ☒ Region 9: Carlotta (Carley) Whitecrane (Karuk  
Tribe)
- ☐ Region 9 *Alternate*: TBD
- ☒ Region 10: Lee Juan Tyler (Shoshone-Bannock  
Tribes)
- ☒ Region 10 *Alternate*: Kelly Wright (Shoshone-  
Bannock Tribes)
- ☒ Region 10 (Alaska): Orville Huntington  
(Tanana Chiefs Conference)

***Support Personnel***

- ☒ Monica Rodia, TSC Executive Secretary
- ☒ Kristen LeBaron, Contract Support
- ☒ Deirdre Turner, EPA ORD Student Contractor

**Action Items**

1. Lee Juan Tyler will send his specific request for TSC assistance to Monica Rodia, José Zambrana, Jeff Mears and Kristen LeBaron.

***EPA Caucus***

- ☐ Region 1: TBD
- ☒ Region 2: Kai Tang
- ☐ Region 3: Regina Poeske
- ☐ Region 4: Dawn Taylor
- ☐ Region 5: Luke Hullinger
- ☐ Region 5 *Alternate*: Carole Braverman
- ☒ Region 6: Alexandra (Alexa) Olson
- ☒ Region 7: Amy Shields
- ☐ Region 7 *Alternate*: Amber Tilley
- ☐ Region 8: Alfred Basile
- ☐ Region 9: TBD
- ☒ Region 10: Lon Kissinger
- ☒ AIEO: Francine St. Denis
- ☐ OAR: Amanda Kaufman
- ☐ OCHP: Ted Coopwood
- ☐ OCSPP: Karen Hamernik
- ☒ OCSPP *Alternate*: Amanda Hauff
- ☒ OLEM: David Charters
- ☐ OMS: Beth Jackson
- ☐ ORD: David Jewett
- ☒ ORD: José Zambrana, Chair
- ☒ OW: Karen Gude

***Invited Speakers/Guests***

- ☒ Rose Kwok, EPA Office of Wetlands, Ocean  
and Watersheds
- ☒ Lawrence Martin, EPA Office of the Science  
Advisor

## **Key Discussion Points**

### ***Roll Call and Distribution of Meeting Minutes***

- Monica took the roll of teleconference participants and explained that the December 2018 face-to-face meeting and February 2019 monthly call summaries have been finalized and distributed to the members.

### ***Caucus Report Outs***

- Jeff reported that the Tribal Caucus had met the previous week and discussed the importance of finding tribal speakers for the TSC monthly science seminars.
- José reported that the EPA Caucus had met recently and discussed ORD's upcoming tribal consultation on the six Strategic Action Research Plans (StRAPs). Consultation about the StRAPs should begin in March 2019 and run for 90 days. ORD has been sensitive to the tribal science needs identified during the TSC's recent efforts. The TSC's role is to ensure that tribes engage in the process. Beth Jackson continues to follow the current status of the E-Enterprise quality assurance efforts, quality policy and procedures document, and citizen science guide.

### ***Office of Water (OW): Waters of the United States (WOTUS) Update, Rose Kwok, EPA Office of Wetlands, Ocean and Watersheds***

- The definition of WOTUS is important because it effects the extent to which the Clean Water Act (CWA) protects U.S. waters, including those on tribal lands. CWA programs apply to waters classified as WOTUS.
- EPA and the Department of the Army have been redefining the definition in response to a February 2017 Executive Order. The first step was to rescind the 2015 rule and replace it with the previous version; the two agencies currently are carrying out the second step, which is to propose and finalize a new definition.
- On December 11, 2018, the two agencies signed a proposed definition of WOTUS; a tribal consultation period was included in the process of substantively revising the definition. The proposed rule was published in the *Federal Register* on February 14, 2019; the 60-day public comment period closes on April 15, 2019, and includes four tribal forums in Atlanta, Kansas City, Albuquerque and Seattle. The goal is to clarify the definition for the public and stakeholders.
- Revisions to the proposed definition include:
  - Ephemeral streams are not included as tributaries.
  - Wetlands must abut a WOTUS or have a direct hydrological surface connection to a jurisdictional water in a typical year.
  - Interstate waters will no longer be an independent category.
  - Several new exclusions (e.g., ephemeral waters, certain types of ditches) have been added.
- Two key documents support the proposal: (1) an economic analysis and (2) a resource and programmatic assessment. Tribes have been encouraged to review their information in the resource and programmatic assessment.
- Additional documents in the docket that may be of interest are the tribal consultation summary and a summary of a meeting OW held with tribes in Washington, D.C., in March 2018.

***Risk Assessment Forum: Ecological Risk Assessment Priorities, Lawrence Martin, EPA Office of the Science Advisor***

- The Ecological Oversight Committee of the Risk Assessment Forum is developing a draft document with recommended actions to improve EPA's ecological risk assessment practices. The group likely will obtain input about the document from the National Tribal Toxics Council (NTTC).
- The Risk Assessment Forum is a cross-Agency group of senior risk assessment scientists. The Ecological Oversight Committee is a subcommittee that focuses on developing ecological risk assessment tools and guidance.
- The goal of the internal document is to guide the development of projects that will serve the needs of EPA and ecological risk assessors. The document is not ready for distribution, so Lawrence provided an overview of the table of contents to provide TSC members with an idea of what is contained in the document, including a survey results summary and information about an ecological risk assessment colloquium that informed the recommendations.
- The Forum identified and prioritized the following priorities:
  1. Create and host an ecorisk portal, a single website that organizes the Agency's ecological risk assessment guidelines, tools, methods, models and case studies.
  2. Develop tools to support EPA's ecological risk assessment.
  3. Develop training modules on ecological risk assessment accepted practices.
  4. Develop new guidance documents and background papers.
- After receiving comments from tribes and states about the document, the next step is to develop a 5-year action plan.

***TSC Science Seminar: Idaho Tribal Fish Consumption Surveys, Lon Kissinger, EPA Region 10***

- It is important to characterize tribal fish consumption because fish and shellfish are very important to Region 10 tribes and tribes in general in a variety of ways, such as spirituality. Accurate data about tribal fish consumption are necessary to develop regulations that protect tribal health.
- In 2012, \$2 million of General Assistance Program funds were available, and the decision was made to use the funds to obtain fish consumption information for Idaho tribes. Surveys were completed in 2014 and 2015, and the final report was released in 2016.
- The objectives of the survey were to improve tribal capacity to develop tribal ambient water quality criteria (AWQC) for the protection of human health and provide information on fish consumption to inform Idaho Department of Environmental Quality efforts to develop state AWQC for the protection of human health.
- Information about current and historic fish consumption rates was collected, which included discussion about suppressed fish consumption rates (i.e., reduced fish consumption compared to historic rates resulting from a variety of reasons). Information also was collected about tribal efforts to improve fisheries resources and increase fish consumption.
- The participating tribes—Kootenai Tribe of Idaho, Coeur d'Alene Tribe, Nez Perce Tribe, Shoshone-Bannock Tribes and Shoshone-Paiute Tribes—chose to participate at different levels. The Nez Perce

Tribe and Shoshone-Bannock Tribes agreed to survey their current fish consumption rates. All of the tribes except for the Shoshone-Paiute tribes documented the reasons for suppressed fish consumption and developed an analysis of heritage rates.

- Tribes, tribal leadership, tribal consortia, EPA Region 10 and headquarters staff, and consultants supported the surveys, which were reviewed by two institutional review boards and did not include personally identifiable information.
- A food frequency questionnaire and the National Cancer Institute method were used to characterize current fish consumption rates, each of which had pros and cons and needed to be considered when developing the sample size.
- The eligible survey population included adult tribal members residing within 50 miles of their reservations, and tribal enrollment records were used to define tribal demographics and select a pool of respondents with similar demographics. To enhance participation, tribal leadership sent their support of the survey to tribal members by mail, and incentives were offered from tribal funds.
- Computer-assisted personal interview software was used to record the information, including seasonal information. Images of species and visual portion models were used to ensure accurate species identification and capture of portion information.
- Tribal members were trained and used as interviewers; participants were interviewed in person with a follow-up telephone survey. The survey also attempted to identify culturally sensitive information and included quality-control checks.
- Survey question subject areas included the reasons for consuming or not consuming fish, cooking and preparation methods, the source of the fish, the parts and amounts of fish consumed, the relationship between fishing activity and fish consumption, and the importance of fish to tribal culture and lifeways.
- Issues in implementing the survey included incomplete tribal enrollment records, less participant willingness than anticipated, and time-consuming travel to participants. To solve these issues, social media and databases were used to find potential respondents, and interviews were conducted at central locations and special events.
- Peer reviewers found that the survey was well-designed and implemented and that the data analysis was appropriate. Recognizing that data needed to be publicly available to develop AWQC, the survey team discussed concerns by tribes that data might be interpreted in ways detrimental to tribes.
- Two methods were used to determine heritage rates of fish consumption: direct observation of catch and population size estimates and caloric basis. Heritage rates are estimates of central tendency or average consumption.
- Each tribe documented aspects of suppression unique to that tribe. When environmental agencies employ a fish consumption rate that does not capture suppressed consumption, the resulting environmental standards permit further contamination or depletion of the fish that results in the diminished health and safety of the people consuming the fish for subsistence, traditional, cultural or religious purposes.
- Key findings and results of the surveys included:
  - Tribes in Idaho consume more fish than the general U.S. and Idaho populations and more than previously documented.

- Current and heritage fish consumption rate information successfully informed Idaho AWQC rule development.
- The heritage survey report documents and quantifies heritage fish consumption rates, providing support for use of this information in developing tribal water quality standards.
- Comparison of information about current and heritage fish consumption rate documents and quantifies suppressed fish consumption.
- In response to a question from Monica, Lon explained that each interview varied in length from less than an hour to up to 3 hours depending on the amount of information that the individual wanted to share.
- In response to a comment from Lee Juan, Lon explained that irrefutable scientific facts from the survey cannot be denied or ignored.
- Amy Shields asked whether tribes have water quality standards around fish consumption. Lon replied that several tribes in Region 10 have these in place (e.g., Spokane Tribe of Indians). Amy wondered whether it is a tribal priority to establish water quality standards. Lon explained that there is an effort to allow tribes to be treated as states for development of their water quality criteria, which would be a good topic for a future TSC science seminar.

#### ***TSC Round-the-Table***

- Amber Tilley will take the lead representative role on the TSC for Region 7.
- Jeff and Rick DuBois will represent the TSC at the National Tribal Operations Committee (NTOC) meeting in Washington, D.C., in April. Discussions about lead, citizen science and the StRAPs are on the agenda.
- Lee Juan requested TSC assistance for his tribe, but because his cellular telephone connection was unclear, he will email his request to Monica, José, Jeff and Kristen.
- Amanda Hauff explained that the TSC and NTTC are collaborating on a number of items, including risk assessment issues, and Jeff and Rick will provide an update about the lead curriculum at the upcoming NTOC meeting.
- The Newsletter Team is developing the next issue of the *EPA-Tribal Science Bulletin*, which will include a recap of Neil Patterson's indigenous framework training at the face-to-face meeting and an article about lead.

#### ***Next TSC Teleconference***

- The next TSC teleconference will be held on April 15, 2019, from 2:00 to 3:30 p.m. EDT.